

## **REMARKS**

Claims 38-45 were pending in this application when the present Final Office Action was mailed (June 3, 2005). In this paper, claims 38 and 40 have been amended. No claims have been added. Accordingly, claims 38-45 are presently pending in this application.

In the June 3, 2005 Final Office Action, all the pending claims were rejected. More specifically, the status of the application in light of the Final Office Action is as follows:

(A) Claims 38-41 and 45 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,249,053 to Nakata et al. ("Nakata") in view of the computer translation of Japanese Document No. JP 10-98045 to Shoji ("Shoji");

(B) Claim 42 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakata in view of Shoji and further in view of U.S. Patent No. 5,834,848 to Iwasaki ("Iwasaki");

(C) Claim 43 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakata in view of Shoji, further in view of Iwasaki, and further in view of U.S. Patent No. 6,285,083 to Imai et al. ("Imai"); and

(D) Claim 44 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakata in view of Shoji and further in view of Imai.

The undersigned attorney wishes to thank the Examiner for engaging in a telephone conference on November 16, 2005. During the telephone conference, the Examiner agreed that the foregoing claim amendments to claims 38 and 40 distinguish over the teachings of Nakata and Shoji. The following remarks reflect and expand upon the agreement reached during the November 16 telephone conference.

### **A. Response to Section 103 Rejection – Nakata and Shoji**

Claims 38-41 and 45 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakata in view of Shoji. Even though the applicant respectfully

disagrees with the Examiner's position, the applicant has amended claim 38 to clarify the claimed subject matter. Pursuant to the agreement reached during the November 16 telephone conference, amended claim 38 distinguishes over the combination of the teachings of Nakata and Shoji. Claim 40 has been amended to contain subject matter generally analogous to that of amended claim 38, and thus also distinguishes over the combination of the teachings of Nakata and Shoji. Claims 39, 41, and 45, which depend from claims 38 or 40, distinguish over the combination of the teachings of Nakata and Shoji for the reasons discussed above and also because of the additional features of these dependent claims. Accordingly, the Section 103 rejection of claims 38-41 and 45 should be withdrawn.

B. Response to Section 103 Rejection – Nakata, Shoji, and Iwasaki

Claim 42 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakata in view of Shoji and further in view of Iwasaki. As discussed above, the combination of the teachings of Nakata and Shoji fails to teach or suggest all the features of amended claim 40, and Iwasaki fails to fill this void. As a result, claim 42 is patentable over the combination of the teachings of Nakata, Shoji and Iwasaki, because claim 42 depends from claim 40 and also because claim 42 includes additional features. Accordingly, the Section 103 rejection of claim 42 should be withdrawn.

C. Response to Section 103 Rejection – Nakata, Shoji, Iwasaki, and Imai

Claim 43 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakata in view of Shoji, further in view of Iwasaki, and further in view of Imai. As discussed above, the combination of the teachings of Nakata, Shoji and Iwasaki fails to teach or suggest all the features of amended claim 40, and Imai fails to fill this void. As a result, claim 43 is patentable over the combination of the teachings of Nakata, Shoji, Iwasaki, and Imai, because claim 43 depends from claim 40 and also because claim 43 includes additional features. Accordingly, the Section 103 rejection of claim 43 should be withdrawn.

D. Response to Section 103 Rejection – Nakata, Shoji, and Imai


Claim 44 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakata in view of Shoji, and further in view of Imai. As discussed above, the combination of the teachings of Nakata and Shoji fails to teach or suggest all the features of amended claim 40, and Imai fails to fill this void. As a result, claim 44 is patentable over the combination of the teachings of Nakata, Shoji and Imai because claim 44 depends from claim 40 and also because claim 44 includes additional features. Accordingly, the Section 103 rejection of claim 44 should be withdrawn.

E. Conclusion

In view of the foregoing, the pending claims patentably define over the applied art. The applicant respectfully requests reconsideration of the application and a mailing of a Notice of Allowance. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned representative at (206) 359-6038.

Respectfully submitted,

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